

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

SANDRA COKER, as special administrator)
of the Estate of TY RUTLEDGE, deceased,)

Plaintiff,)

v.)

Case No. 20-cv-00347-GKF-FHM

VIC REGALADO, in his official capacity,)
et al.,)

Defendants.)

**DEFENDANT TURN KEY HEALTH CLINICS, LLC'S MOTION TO DISMISS WITH
PREJUDICE AND TO ADMINISTRATIVELY TERMINATE THE CASE**

Defendant, Turn Key Health Clinics, LLC ("Turn Key" or "Defendant"), respectfully submits this Motion to Dismiss Plaintiff's Complaint (Doc. #2) *with prejudice* and to administratively terminate the case. In support of this Motion, Turn Key states as follows:

1. On October 30, 2020, the Court granted dismissal of Plaintiff's Complaint without prejudice. (Doc. #26, Order). The Court found, *inter alia*, that Plaintiff failed to allege an underlying constitutional violation by Turn Key personnel. (Doc. #26, p. 19). The Court stated that if "plaintiff elects to do so, she may file an amended pleading by November 13, 2020[.]" (Doc. #26, p. 24).

2. Plaintiff did not file an amended complaint on or before November 13, 2020, or at any time since November 13. Plaintiff has not sought an extension of time or leave to file out of time. Accordingly, Plaintiff has elected not to file an amended complaint.

3. Turn Key respectfully requests that the Court enter an Order dismissing the case *with prejudice* and administratively terminating the case in light of Plaintiff's election not to file

an amended complaint as permitted by the Court's Order (Doc. #26). *See Apodaca v. Smith*, 2017 U.S. Dist. LEXIS 191480, at *11 (D.N.M. Nov. 20, 2017) (dismissing claims with prejudice as a result of, *inter alia*, failure to cure pleading deficiencies within court-ordered deadline after being granted leave to amend).

Respectfully submitted,

/s/ Jo Lynn Jeter

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**ATTORNEYS FOR DEFENDANT,
TURN KEY HEALTH CLINICS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2020, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Daniel E. Smolen
Robert M. Blakemore
Keith A. Wilkes

/s/ Jo Lynn Jeter

Jo Lynn Jeter